

Page Denied

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, D.C. 20510

March 13, 1986

George Lauder

Dave,

I thought the DCI might like to see
this.

Gary
Gary M. Chase
Chief Counsel

PATRICK J. LEAHY, VERMONT, VICE CHAIRMAN

WILLIAM V. ROTH, JR., DELAWARE
WILLIAM S. COHEN, MAINE
ORRIN HATCH, UTAH
FRANK MURKOWSKI, ALASKA
ARLEN SPECTER, PENNSYLVANIA
CHIC HECHT, NEVADA
MITCH MCCONNELL, KENTUCKY

LLOYD BENTSEN, TEXAS
SAM NUNN, GEORGIA
THOMAS F. EAGLETON, MISSOURI
ERNEST F. HOLLINGS, SOUTH CAROLINA
DAVID L. BOREN, OKLAHOMA
BILL BRADLEY, NEW JERSEY

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510

ROBERT DOLE, KANSAS, EX OFFICIO
ROBERT C. BYRD, WEST VIRGINIA, EX OFFICIO

BERNARD F. McMAHON, STAFF DIRECTOR
ERIC D. NEWSOM, MINORITY STAFF DIRECTOR

March 11, 1986

Mr. A. M. Rosenthal
Executive Editor
The New York Times
229 West 43d Street
New York, New York 10036

Dear Mr. Rosenthal:

Professor Herbert C. Kelman's blithe assertion ("When Scholars Work With the CIA", March 5, 1986) that CIA activities "run the gamut from legitimate political analyses ... to clearly illegitimate covert operations" must not be allowed to go unchallenged.

Professor Kelman's reference appears to be to covert action operations (more properly "special activities") which are in fact undertaken pursuant to Presidential findings required by statute and executive order (22 U.S.C. 2422 and section 3.1 of Executive Order 12333), and which are notified to the Legislative Branch under the Congressional oversight provisions in title V of the National Security Act (50 U.S.C. 413). The Congress, moreover, annually authorizes and appropriates funds for our nation's intelligence activities, including special activities.

Everyone is entitled to oppose any or all intelligence activities. The fact that Professor Kelman may not like certain kinds of operations does not, however, make them illegitimate.

Sincerely,



Dave Durenberger
Chairman

THE NEW YORK TIMES, WEDNESDAY, MARCH 5, 1986

When Scholars Work With the C.I.A.

By Herbert C. Kelman

NEWSPAPERS about Central Intelligence Agency funding of various academic projects have focused renewed attention on the relationship between the intelligence community and the academic community. This relationship is complicated by the nature of C.I.A. activities, which run the gamut from legitimate political analyses based on public data to clearly illegitimate covert operations. More broadly, there is a fundamental contradiction between intelligence agencies' predilection for secrecy and the principle of openness that is the hallmark of academic scholarship.

For many scholars, myself included, any collaboration with the C.I.A. represents an unacceptable complicity with its operations as well as a clear conflict with academic norms. Others, including at least several of my Harvard colleagues, believe that consulting, preparing analyses or

Herbert C. Kelman is professor of social ethics at Harvard University and chairman of the Middle East seminar at its Center for International Affairs.

carrying out research for the C.I.A. is at times justifiable and in the public interest. Both positions are morally defensible. Scholars who choose to collaborate with the C.I.A., however, have a special responsibility to avoid compromising the integrity of the scholarly community in the process.

Central to the ethical conduct of scholarly work is the obligation to reveal its sponsorship and source of funding, whenever this information

It must not be kept secret

may be relevant to the decisions and evaluations of others. To exempt projects sponsored by intelligence agencies from this obligation would undermine the integrity of all scholarly work. There are two points at which disclosing sponsorship is particularly essential.

First, information about sponsorship and funding must be shared with the individuals and organizations asked to cooperate in the work: for

example, archivists who provide access to documents, people interviewed who provide data, colleagues who provide advice or who participate in research and the exchange of ideas. The principle of informed consent, which lies at the core of research ethics, requires investigators to reveal any information that might be material to a person's decision to cooperate. C.I.A. sponsorship clearly falls in that category. People may consider cooperation with a C.I.A.-linked project objectionable on principle or detrimental to their personal or community interests. Even if their fears are unfounded, they have a right to decide what risks to take and what lines to draw.

Second, the sources of funding and sponsorship must be revealed at the time of publication, particularly when the sponsoring agency maintains the right of prepublication review. Readers have a right to be informed of any factor that might introduce a systematic bias. Even the most meticulous scholars may be influenced by their sources of support — at least in the questions they raise, their definition of the problem and their interpretation of the findings.

Academic scholars have an obligation to reveal their sources of support even for work carried out off-campus and on their own time. Our academic

affiliations and scholarly credentials are crucial to public trust in us and, hence, readiness to cooperate in our projects and accept our conclusions. Unless informed otherwise, people expect us to act as independent scholars. Failure to make known any conditions that might limit our independence — or public perception of it — is a violation of the trust placed in us when we present ourselves as independent scholars.

Such violations of trust are ethically problematical and damaging to the scholarly community. As long as there are some scholars who on some occasions are allowed to withhold relevant information about their sponsorship and source of funding, all scholars lose credibility — and rightly so. Thus, all organizations involved have an interest in insuring that any relationship with intelligence agencies conforms to the principles of informed consent and scholarly openness. The agencies must refrain from offering academic scholars contracts that violate these principles; universities must clarify and enforce rules that embody these principles; and scholarly associations must build these principles into the professional codes of ethics that define the obligations on which membership in the scholarly community rests. □